

**REPORT - PLANNING COMMISSION MEETING**  
**January 22, 2004**

**Project Name and Number:** Palm Avenue (PLN 2004-00045)

**Applicant:** Santa Clara Development

**Proposal:** To consider a Tentative Tract Map (TR7476), Private Street, and Preliminary Grading Plan for a previously approved Preliminary and Precise Planned District for 4 new single-family detached dwelling units, retention of one detached single-family dwelling unit and dedication of Parcel 'A' to the Alameda County Flood Control District.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** 42052 Palm Avenue, Mission San Jose Planning Area

**APN:** 513-0300-014-00

**Area:** 1.61 acres; six lots ranging from 6,241 to 8,632 square feet, and one common parcel 'A' which will be dedicated to Alameda County Flood Control District.

**Owner:** Santa Clara Development Company

**Agent of Applicant:** Nolan Zail, Project Manager

**Consultant(s):** Civil Engineering Associates

**Environmental Review:** A Mitigated Negative Declaration was approved on September 23, 2003 for the Planned District rezoning and subdivision.

**Existing General Plan:** Low density residential, 3-5 units per acre, foot and bicycle trail

**Existing Zoning:** Planned District

**Existing Land Use:** Vacant land, 1 single-family detached home

**Public Hearing Notice:** Public hearing notification is applicable. Sixty eight (68) notices were mailed to owners and occupants of property within a minimum radius of 300 feet of the site on the following streets: Palm Ave, Via San Miguel, Murphy Pl, Wisteria Drive, Mission Creek Drive, Yato Ct., Mission Blvd., Camino Santa Barbara, and Fontes Drive. The notices to owners and occupants were mailed on January 12, 2004. A Public Hearing Notice was delivered to The Argus newspaper on January 5, 2004 to be published by January 8, 2004.

**Background and Previous Action:** On September 23, 2003, the City Council approved a Preliminary and Precise Planned District for the construction of four single-family detached dwelling units and retention of one existing detached single-family dwelling unit on a 1.61 acre site.

**Project Description:** The applicant is requesting approval for a Tentative Tract Map (TR7476), Grading Plan and Private Street serving three lots. The proposed project is consistent with the previously approved Preliminary and Precise Planned District. The new lots range in size from approximately 6,241 to 8,632 square feet and dedication of a Parcel 'A' (32,559 square feet) to Alameda County Flood Control District. The proposed project includes a paved 20-foot wide private street.

**Existing and Surrounding Land Use:** The project site is located within an existing established single-family neighborhood and is one of the few remaining large undeveloped parcels in the project vicinity. Residential zoning surrounding the site is R-1-8 single-family residence. A flood control channel exists along the north property line.

**Project Analysis:** The Tentative Tract Map (TR7476), Preliminary Grading Plan, and Private Street proposal are consistent with the existing General Plan and the Planned District that was recommended by Planning Commission on July 24, 2003 and approved by the City Council on September 23, 2003.

**Circulation/Access Analysis:** The project site is on Palm Avenue, an existing residential collector street. Of the five units, two, the existing home and the new home on lot 5, have exclusive driveways proposed on Palm Avenue. The other three units, lots 1 through 3, share one driveway on Palm Avenue. A private street is proposed to provide vehicular and pedestrian access to Lots 1 through 3.

The City Council approved the rezoning of the project site to a Planned District (P-2002-336) subject to the following condition of approval:

B-5 The applicant shall work with staff to redesign the driveway configuration on units 4 and 5. The new design shall enable vehicles to turn-around on site and exit the property without backing on to Palm Avenue.

To comply with the above condition of approval, the applicant has provided an area on both Lot 4 and Lot 5 for vehicles to turn around on-site and enter Palm Avenue facing forward. The turn around areas are proposed as "grass pavers." The details of the "grass pavers" shall be provided in the subdivision improvement plans and shall be subject to review and approval of staff prior to final map approval (Condition 2).

Combined Maintenance Road and Foot/Bicycle Trail: The Fremont General Plan designates a foot and bicycle trail along Mission Creek. Currently the trail ends on the west side of Palm Avenue. The applicant proposes to provide the foot and bicycle trail combined with a maintenance road for the Alameda County Flood Control and Water Conservation District (ACFC), similar to the existing trail west of Palm Avenue. The City's standard for combined foot and bicycle trails is a ten-foot wide paved trail within a twenty-foot wide trail right-of-way. The proposed trail has a fifteen-foot paved width within a twenty-five foot wide easement. The extra paved width conforms to the ACFC standard for maintenance roads along channels.

The developer has been working with the ACFC regarding dedication of land along the creek to ACFC for flood control purposes. ACFC currently owns property along the creek both north and south of this project site. The proposed dedication will give ACFC access to both sides of the creek for maintenance purposes. Because the trail does not continue on south of the project site, for safety reasons public access to the trail will be prohibited until such time as the trail can connect to a public street or some form of public access. The developer is required to construct the trail, including required fencing and gates, in accordance with the Subdivision Ordinance. As required in the Planned District conditions of approval, property owners of lots 2, 3, and 5 shall be provided notice as to the public nature and intended use of the adjacent trail. The notice shall be recorded on the deeds of these lots.

**Street Improvements:** The project site has unimproved frontage on Palm Avenue and proposes construction of a new Private Street to serve three of the lots. Street improvements are required for both streets. The following describes the required improvements and street right-of-way dedications (if any) for each street.

Palm Avenue is a residential collector street with an ultimate right-of-way width of sixty feet. This project will complete a currently unimproved gap in the street improvements between Fontes Drive and Mission Creek. A 10-foot wide right-of-way dedication, approximately 200 feet in length, is required along the southern portion of the Palm Avenue frontage. The remaining right-of-way was acquired as part of a City project to install the box culvert under Palm Avenue in 1965.

Required street improvements for Palm Avenue include, but are not limited to, installation of curb, gutter, sidewalk, landscaping, streetlights, storm drain facilities, and undergrounding of existing overhead utilities. Improvements also include installation of a driveway for the combined trail and County maintenance road along Mission Creek. Off-site

improvements are required along the ACFC Palm Avenue frontage. The developer is responsible for installing sidewalk to the north, between the project site and the end of the existing sidewalk above Mission Creek.

**Private Street (Oak Creek Terrace):** A private street is proposed to serve as access to lots 1, 2, and 3. The private street is required in order for lots 2 and 3 to have the frontage required in the Subdivision and Zoning Ordinance. The proposed private street has a pavement width of 20 feet from Palm Avenue to the boundary of lot 2, at which time the pavement width decreases to about 11 feet. The private street right-of-way width remains constant at 21 feet. No sidewalk is proposed for pedestrian access from Palm Avenue to lots 1, 2, and 3. The private street right-of-way and pavement width were approved as part of the planned district rezoning (P-2002-336). The provided Private Street application conforms to the previously approved planned district.

The planned district (P-2002-336) included a condition requiring some additional pavement on lot 2 to provide an additional parking space for the owner of lot 2. The plans provided do not reflect the planned district requirement. The subdivision improvement plans shall be reviewed for compliance prior to final map approval.

**Grading/Topography:** The project site is currently approved with an existing single-family dwelling, accessory structures, and several trees, including a small fruit tree orchard. The northern boundary of the project site is Mission Creek and there are several trees, mostly eucalyptus, along the creek banks. The developer proposes to retain and improve the existing single-family dwelling, construct a new detached garage, and remove the accessory structures and several trees. Riparian enhancement and creek stabilization work is proposed along Mission Creek. Alameda County Flood Control and Water Conservation District has been working with the developer regarding the preparation, review, and approval of reports, plans, and specifications for the work within the creek.

The site area proposed for the development of five homes slightly slopes down to the northwest, following the path of flow in Mission Creek. Site grading consists of separating the residential development from the combined trail and maintenance road along the creek. Runoff from the roofs, yards, and driveways of the homes is directed to flow away from the creek and towards Palm Avenue. The maintenance road is graded to drain away from the creek and into a swale that flows towards an inlet near Palm Avenue.

Cuts and fills up to 3.5 feet are proposed in some locations. Retaining walls are proposed along the entire southern boundary, a portion of the eastern boundary, and on the east and north side of lot 4. Retaining wall heights are typically less than 2 feet, but on the southern boundary of lot 2 the wall height increases to 3 feet. Overall the project engineer estimates grading to be 1,100 cubic yards of cut and 165 cubic yards of fill, for total grading of 1,265 cubic yards. The Planning Commission is the reviewing agency for projects with over 1,000 cubic yards of total grading. A Preliminary Grading Plan application has been submitted for review and approval by Planning Commission along with the Tentative Tract Map.

**Drainage:** The public drainage facility nearest this site is an existing 24-inch storm drain in Palm Avenue, which connects to the Mission Creek box culvert under Palm Avenue. The on-site storm drain system is a series of field inlets, catch basins, and grassy swales. A private storm drain easement will be established over the private street.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

**FEMA Flood Zone:** Mission Creek, Line L (Zone 6), which bounds the northeastern side of the project site, is designated as a special flood area, as delineated on the Flood Insurance Rate Map (FIRM) 065028-0031B, revised May 2, 1983. The creek is classified as Zone A, areas of 100-year flood, base flood elevations and flood hazard factors not determined. According to the FIRM, the Zone A area is contained within the channel. Although the proposed residential structures do

not encroach into the special flood hazard area, erosion control and creek stability work is proposed within the creek. Work within the special flood hazard area shall be designed and constructed so as not to increase peak flows within the creek.

**Applicable Development Impact Fees:** The four new units of this project will be subject to Citywide Development Impact Fees (condition 5). These fees may include fees for fire protection, park facilities, park dedication-in-lieu, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

**Environmental Analysis:** A Mitigated Negative Declaration, was approved September 23, 2003 by the City Council in conjunction with the Preliminary and Precise Planned District rezoning. The present application is only for approval of the Tentative Tract Map, Preliminary Grading Plan, and Private Street. The project is a subsequent implementing activity of a previously approved project. No significant change in circumstances has occurred which would require further environmental review.

**Public Comment:** No significant concerns have been received by any public agencies at this time.

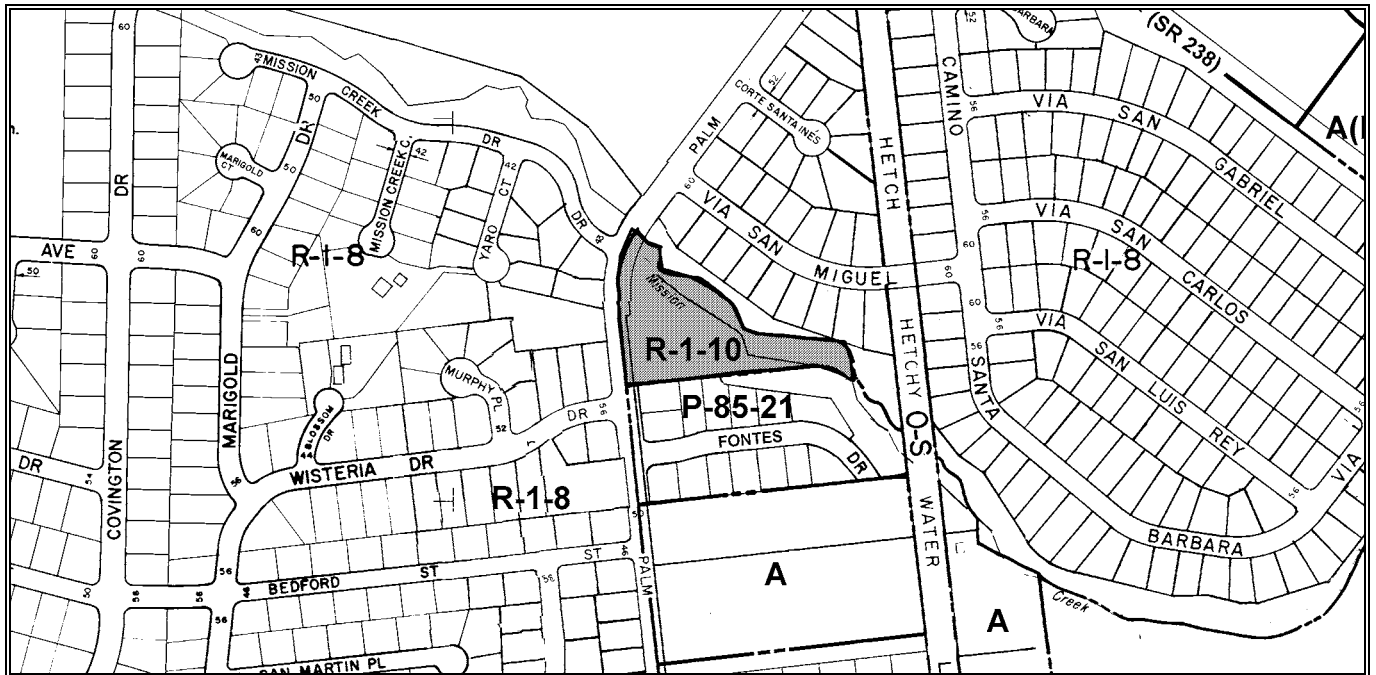
**Enclosures:** Exhibit "A" (Tentative Tract Map 7476)  
Exhibit "B" (Tentative Tract Map 7476 Findings & Conditions)  
Exhibit "C" (Preliminary Grading Plan)  
Exhibit "D" (Preliminary Grading Plan Findings & Conditions)  
Exhibit "E" (Private Street Plan)  
Exhibit "F" (Private Street Plan Findings & Conditions)

**Exhibits:** Exhibit "A" (Tentative Tract Map 7476)  
Exhibit "B" (Tentative Tract Map 7476 Findings & Conditions)  
Exhibit "C" (Preliminary Grading Plan)  
Exhibit "D" (Preliminary Grading Plan Findings & Conditions)  
Exhibit "E" (Private Street Plan)  
Exhibit "F" (Private Street Plan Findings & Conditions)

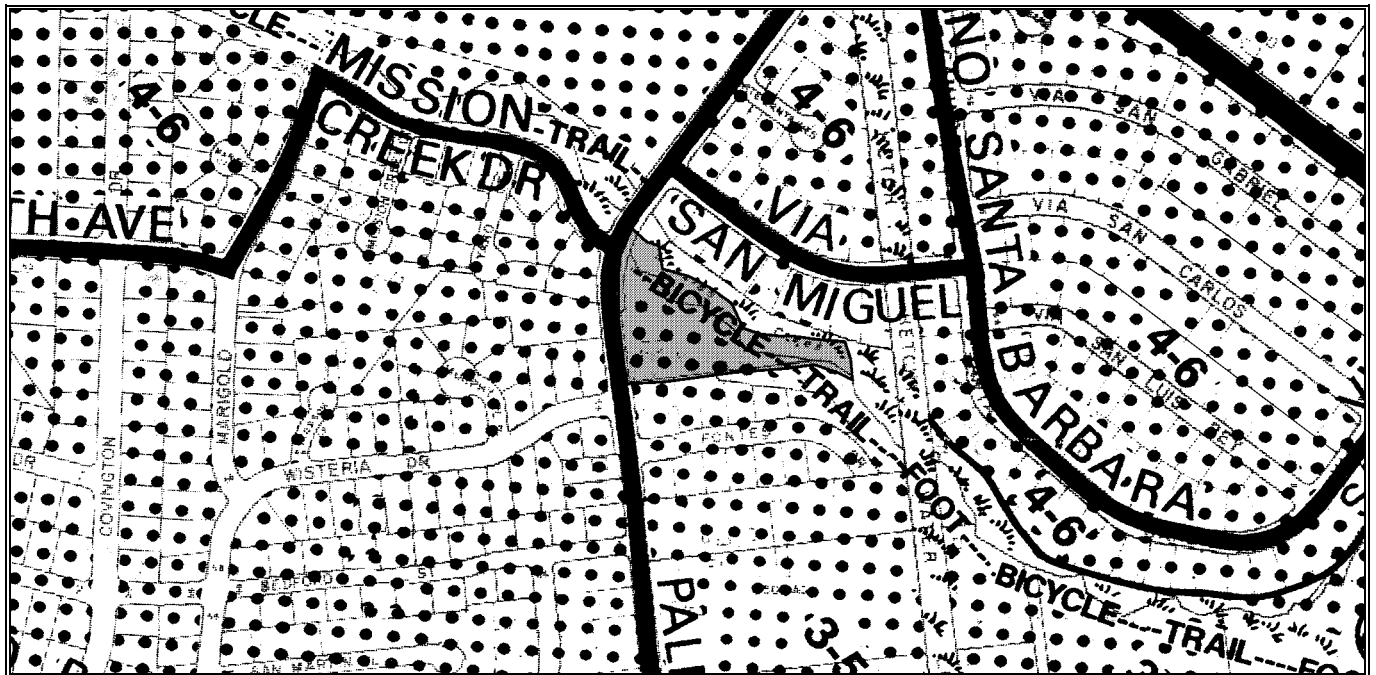
**Recommended Actions:**

1. Hold public hearing.
2. Find previously approved Mitigated Negative Declaration addresses the project and no further environmental review is required.
3. Find PLN2004-00045, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters.
4. Find PLN2004-00045, as per Exhibit "A" (Tentative Tract Map 7476), Exhibit "C" (Preliminary Grading Plan), and Exhibit "E" (Private Street), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Approve Tentative Tract Map TR 7476 (as shown in Exhibit "A" and subject to findings and conditions in Exhibit "B"), Preliminary Grading Plan (as shown in Exhibit "C" and subject to findings and conditions in Exhibit "D"), and Private Street (as shown in Exhibit "E", and subject to findings and conditions in Exhibit "F").

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "B"**  
**PALM AVENUE**  
**Tentative Tract Map TR 7476 (PLN2004-00045)**

**FINDINGS:**

The findings below are made on the basis of information contained in the staff report to the Planning Commission and information received at the Public Hearing on January 22, 2004, incorporated herein.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards as stipulated in the Planned District (P2002-336) zoning district.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plan, because the proposed development conforms to the requirements of the zoning district as well as the General Plan land use designations for the site.
3. The site is physically suitable for the type and proposed density of the development, because it is consistent with the General Plan and zoning designations for the site.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because of the design and location of the development.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements will be required prior to the acceptance of the Final Map for this project.

**CONDITIONS:**

1. The project shall conform with Exhibit "A" (Tentative Map 7476, Private Street, and Preliminary Grading Plan), all conditions of approval set forth herein, all conditions of approval of Planned District PLN2002-336.
2. To comply with condition B-5 of the Planned District (P-2002-336) the applicant shall provide the details of the "grass pavers" for lots 4 and 5 in the subdivision improvements plans and shall be subject to review and approval of staff prior to the final map approval.
3. Plans must be submitted to the Development Organization for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
4. The developer shall dedicate right-of-way and install complete street improvements to the centerline of Palm Avenue across the project frontage in accordance with the Subdivision Ordinance. Palm Avenue is a residential collector street with a right-of-way width of sixty feet and a pavement width of forty feet.
5. The developer shall install sidewalk north of the project site, between the project frontage and the existing street improvements on the Alameda County Flood Control and Water Conservation District property frontage.
6. The developer shall dedicate a minimum six-foot wide public service easement along the Palm Avenue frontage of lots 1, 4, and 5.
7. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans. The final streetlight plan and joint trench plan shall be completed prior to final map approval.

8. The developer shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Tract Map 7476.
9. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
10. Any development on the newly created lots will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park facilities, park land in-lieu and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance.
11. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code.
12. The City of Fremont shall promptly notify the applicant of any claim, action, or proceeding to attack, set aside, void, or annul, its approval and shall cooperate fully in the defense thereof.
13. All new utility service connections, including electrical and communications, shall be installed underground.
14. The developer shall underground all existing overhead utility lines along the Palm Avenue frontage of the project in accordance with the City of Fremont's Utility Underground Ordinance.
15. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
16. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
17. All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer.
18. The developer, at time of initial sale, shall provide to the buyer information on good housekeeping of hazardous products, i.e. proper use and disposal, prohibited discharge practices, etc. Informational materials will be furnished by the City.
19. A home owners association or any other mechanism acceptable to the City is to be established, formed, and is to covenant and be responsible for the maintenance of all commonly owned facilities, which are not maintained by the public utility agency. The maintenance responsibility includes, but is not limited to, maintenance work resulting from backfill failure and maintenance of private vehicle access ways. The developer is responsible for maintenance for all facilities during the warranty period.

#### **SUBDIVIDER PLEASE NOTE:**

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

**EXHIBIT "D"**  
**PALM AVENUE**  
**Preliminary Grading Plan (PLN2004-00045)**

**FINDINGS:**

No report of approval may be made unless the reviewing agency makes the following findings:

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is in a special studies zone. However, a geologic analysis has been completed, as required by the Alquist-Priolo Earthquake Fault Zoning Act, which concludes there are no fault zones or evidence of slides on the site which might be aggravated by site grading, and development of the property is appropriate for the proposed project. A soil study will be done and submitted to the City with the Final Map.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports. Geologic analysis has been completed, as required by the Alquist-Priolo Earthquake Fault Zoning Act, which concludes there are no fault zones or evidence of slides on the site which might be aggravated by site grading, and development of the property is appropriate for the proposed project, nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.

**CONDITIONS:**

1. The project shall conform to Exhibit "C", Preliminary Grading Plan (PLN2004-00045), all conditions of approval set forth herein, all conditions of approval of Planned District (PLN2002-00336), and all conditions of approval of Tentative Tract Map 7476 (PLN2004-00045).
2. Approval of this preliminary grading plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
3. Approval of this preliminary grading plan shall run concurrent with the approval and subsequent extensions of Tentative Tract Map 7476.
4. The developer shall provide for a functional drainage system subject to approval of the City Engineer and Alameda County Flood Control and Water Conservation District.
5. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
6. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.



7. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer and Alameda County Flood Control and Water Conservation District. A separate plan shall be submitted for this purpose.
8. All cut and fill slopes shall be constructed to a maximum of three horizontal to one vertical (3:1).
9. The applicant shall submit a detailed soils report including recommendations regarding structural sections, prepared by a qualified soils engineer registered by the State of California.
10. Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work. City staff will assume inspection responsibility for street grading at a point six inches below planned subgrade.
11. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
12. The applicant may be allowed grading deviation up to a maximum of one foot (plus or minus) between the preliminary grading plan and the final grading plan. Deviation over one foot may be referred to the Planning Commission subject to approval of the City Engineer.
13. The minimum drainage slope in swales shall be 1.5%.
14. Retaining walls shall be limited to a maximum height of three feet. All retaining walls supporting surcharge shall be reinforced concrete or approved equal. Pressure treated wood retaining walls will be allowed for retaining walls 12-inches or less in height.

**EXHIBIT "F"**  
**PALM AVENUE**  
**Private Street (PLN2004-00045)**

**FINDINGS:**

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated January 22, 2004, incorporated herein.

1. The most logical development of the land requires private street access because the physical character of the project is more amenable to the less intense right of way required of a private street.
2. The development of the land is well defined because the design of the subdivision and proposed improvements are in conformance with the City of Fremont's applicable codes and policies.

**CONDITIONS:**

1. The private street shall conform with Exhibit "E", attached hereto and made a part hereof and all conditions of approval of Tentative Tract Map 7476 (Exhibit "B").
2. This Private Street (PLN2004-00045) is being conditionally approved based on the accuracy of the information shown on Exhibit "E" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval.
3. Pursuant to FMC Section 8-1510, the development policy for private vehicular access ways and private street standards shall be observed.
4. A Private Street and a Public Utility Easement (PUE) are to be established over the entire private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.
5. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (E.V.A.E.) on the final map over the private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.
6. Fire hydrants are to be located along the private street as determined by the Fire Chief.
7. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
  - a) Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
  - b) Payment of the water and private street lighting (maintenance and energy) bills.
  - c) Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
  - d) Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.

8. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
9. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
10. Minimum pavement width of the private street shall be 21 feet. Precise limits of work shall be subject to approval of the City Engineer.
11. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private street frontage of the map. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. The minimum improvements which the subdivider is normally required to construct or agree to construct prior to acceptance and approval of the final map by the City are as set forth in the City Development Policy for Private Vehicle Access ways. Improvements to be constructed include:
  - a) Curb and gutter
  - b) Driveways
  - c) Street paving
  - d) Private Street monuments
  - e) Electroliers (wired underground)
  - f) Drainage facilities
  - g) Signs
12. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a twenty year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
13. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.
14. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."
15. The private street shall be posted for total parking prohibition within the private street right-of-way, except in the portion labeled as guest parking (G1, G2, G3, G4) on Exhibit "E"
16. Approval of Private Street (PLN2004-00045) shall become effective upon final map approval.